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CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO

Report of the Sixth Committee

Rapporteur: Mr. Wael Kamal ABOULMAGD (Egypt)

I. INTRODUCTION

1. The item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto" was included in the provisional agenda of the forty-seventh session of the General Assembly pursuant to paragraph 3 of its resolution 46/57 of 9 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-first session, 1/ which contained the draft articles adopted at that session by the Commission on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, as well as draft optional protocol one on the status of the courier and the bag of special missions, and draft optional protocol two on the status of the courier and the bag of international organizations of a universal character, also adopted by the Commission at that same session.

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10).

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4. In accordance with paragraph 2 of General Assembly resolution 46/57, informal consultations were held under the chairmanship of one of the Vice-Chairmen of the Sixth Committee, Mr. Peter Tomka (Czechoslovakia), in order to study the above-mentioned draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to façilitating the reaching of a generally acceptable decision in the latter respect. Eight meetings of informal consultations were held between 22 September and 6 November 1992.

5. At the 31st meeting, on 9 November 1992, the Vice-Chairman of the Sixth Committee presiding as Chairman over the informal consultations referred to in paragraph 4 above reported orally on their outcome. At the same meeting, the Sixth Committee took note of his oral report.

6. The summary record of the 31st meeting of the Sixth Committee (A/C.6/47/SR.31) contains the views of the representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT DECISION A/C.6/47/L.8

7. A draft decision entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto" proposed by the Chairman of the Sixth Committee was circulated under the item (A/C.6/47/L.8).

8. At its 31st meeting, on 9 November, the Sixth Committee adopted draft decision A/C.6/47/L.8 without a vote (see para. 10).

9. A statement in explanation of position was made by the representative of Argentina (see A/C.6/47/SR.31).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to tne General Assembly the adoption of the following draft decision:

Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto

The General Assembly

(a) Takes note of the report of the Vice-Chairman of the Sixth Committee who presided over the consultations on the draft articles on the status of the

diplomatic courier and the draft optional protocols thereto, 2/ held in accordance with its resolution 46/57 of 9 December 1991;

(b) Decides to include in the provisional agenda of its fiftieth session the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

2/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.